FOR MYSORE STATE

Department.

Ms. SERIES.

G.O.° No[illegible], 302 Education.

Dated 23rd February 1956.

[Despatch Abstract.]

PENSION - Smt. Azeezhi, Retired teacher, Mangalore Municipality - Article 804 of the Civil Service Regulations - Relaxed.

EDUCATIONAL DEPARTMENT.

From

The Director of Public Instruction,
MADRAS.

To

The Secretary to Government,
Health, Education & Social
(Administration Department)
MADRAS.

SECY. TO GOVERNMENT
NOV 1955
EDUCATION AND LOCAL ADMINISTRATION

Rc.1403-C.5/54, dated 1-11-55.

Sir,

Sub: Pension - Smt. Azeezbi, Retired Teacher, Mangalore Municipality.

In submitting herewith the pension papers of Smt. Azeezbi, Retired teacher, Mangalore Municipality, I have the honour to state as follows:

Smt. Azeezbi entered Government service as teacher in the Government Muslim Girls' Elementary School, Mangalore on 13-9-1915 and she continued to serve under Government till 31-5-26. During this period her services were only acting and sub-protem. There is no indication in the Service Book to show that her services were permanent. The above school in which Smt. Azeezbi was working was handed over to the Mangalore Municipality with the staff with effect from 1-6-1926 - vide G.O.Ms. 865-Law (Edn) dated 14-5-26. It was ordered in this G.O. that the teachers and other members of the pensionable establishment transferred with the school to the service under the Municipal Council would continue to render service qualifying for pension from the General Revenues as provided in Article 804 Civil Service Regulations.

2/ It is seen from the Service Book of the teacher that her permanent service starts only from 1-6-26, the date from which the school was placed under the control of the Municipality. There is no indication also of the teacher having been confirmed while in Government service. As she was not a permanent Government servant at the time when the school was transferred to the Municipal Council, Mangalore, the Accountant General, Madras to whom the pension papers of the teacher were forwarded, has enquired how the provisions of Article 804-Civil Service Regulations would apply to her case.

3/ As the teacher was only a non-permanent Government servant at the time of her transfer to Municipal Service she should have been admitted to the benefits of the Contributory Provident Fund of the Mangalore Municipality like all other Municipal servants. But the teacher was not admitted to the benefits of Contributory Provident Fund also. The Commissioner who was requested to state why the teacher was not admitted to the Provident Fund Scheme has stated that the teacher did not choose to subscribe to the Fund. The teacher has explained in her letter dated 30-3-55 - copy enclosed - the circumstances under which she did not apply for admission to the benefits of Contributory Provident Fund Scheme. She has stated that as she was a Government servant at the time of her transfer to the Municipal Service, she was under the impression that she would be eligible for pension after retirement. It would appear that the Municipality was also under the same impression.

4/ Thus, after a long service of nearly 39 years, of which a service of about 11 years was under Government, the teacher now finds herself without either the pension or Provident Fund to maintain herself in her old age. It will cause great hardship to her, if she is denied the pension now.

5/ Under the circumstances explained above, I request that Government may kindly relax the provisions of Article 804 Civil Service Regulations on behalf of Smt. Azeezbi as a special case so as to enable her to draw pension from the State funds even though she had not been confirmed in Government service before she was transferred to the control of the Mangalore Municipality along with the school in which she was working. I submit that in a similar case of one Kulsum Bibi, a retired teacher under the Visakhapatnam Municipality Government were pleased to relax the provisions of Article 804 Civil Service Regulations in favour of the teacher so as to make her eligible for pension -- Vide G.O.Ms.1922, Ed dated 19-8-52.

Copy of letter F.Dis.No.16736/55, dated 28-7-1955 of the Commissioner, Mangalore Municipality.

Sub: Pension - Smt. Azeez Bi - Retired Municipal Teacher - Regarding.
Ref: Your Ref.R.C.No.9368/A/54. dated 5-12-1954 and 27-5-55

No information is available in this office as to whether Smt. Azeez Bi was confirmed while she was in Government Service. The Municipality has however confirmed her services with effect from 18-12-1952 without prejudice to her seniority The Provident Fund Scheme came into force on the 1st day of April, 1927 and the teacher has not chosen to subscribe to the Provident Fund.

Copy of Letter L.Dis.No.22508/55, dt.7-9-55 of the Commissioner Mangalore Municipality.

Sub: Pension - Smt. Azeez Bi - Retired Municipal Teacher - regarding confirmation.
Ref: Your letter in F.C No.16736/55, dated 28-2-1955.

With reference to your letter cited I have to state that Smt. Azeez Bi, Retired teacher was confirmed in Municipal Service with effect from 18-12-1952. There was no record of confirmation available in the service registers of Municipal Teachers and Smt. Aziz Bi who was working in the school managed by the Municipality was also confirmed along with other teachers and this was done without prejudice to their seniority or any other condition of service and the said order will not in any way adversely affect the appointment of the teacher in the substantive post from 1-6-1926.

Copy of letter dated 30th March 1955 of Mrs. Azeez
Municipal Retired Teacher, Jode Mosque View, Mangalore.

Sub: Pension - Grant of - regarding.
Ref: Your Memorandum B2/5613/55, dated 8-3-1955 and
signed on 14-3-1955.

As required by you to report whether I was confirmed while I was in Government Service, I beg to state that I was appointed after training as Subprotem Assistant in the Government Muhammadan Girls' School, Mangalore on 18 -3-1922 as entered in my service register. My service was verified and approved by the Sub-Assistant Inspectress, Kanara Girls' Range on 10-2-1923 and on 26-1-1924 as entered in my service Register of Teachers' Certificate No.2887 hold by me. Since then I had been working as a teacher in the Government Muhammadan Girls' School, Mangalore, the management of the school was handed over to the Mangalore Municipal Council, on the forenoon of 1st June, 1926, as per the proceedings of the Director of Public Instruction, Madras R.O.C.No.265-A/25 dated 25-5-1926 G.O.Ms.865-Law (Education), dated 14th May, 1926 clause No.2 of which read as follows:-

> "As provided in article 804 of the Civil Service Regulations teachers and other members of the pensionable establishment transferred with the school to service under the Municipal Council will continue to render service qualifying for pension from the general revenue."

2/ Since the Mangalore Municipal Council agreed to the conditions laid down by the Government including the clause referred above the management of the school was handed over to the Municipality as on 1-6-1926. Since then I had been serving as a teacher in the Municipal Service with effect from the forenoon of 11th September, 1954 on my attaining the age of 55 years.

3/ In this connection I beg to state that on 1-6-1926, the day when the Government Muhammadan Girls' School, Mangalore was taken over by the Municipality on condition that the teachers employed in the school prior to 1-6-1926, were to continue as Government servants for the purpose of pension, all the three teachers including myself did not apply for admission to the benefits of the Provident Fund scheme of the Mangalore Municipality. Out of the three teachers whose services were taken over by the Municipal Council on 1-6-1926, one was my predecessor, Mrs. Hophsiba Sumitra late Headmistress, Municipal Muhammadan Hr. Ele. Girls' School, Mangalore; who was retired from Municipal Service on her attaining the age of 55 years on 1st July, 1942, was granted pension as per G.O.No.450- dated 2nd June, 1943 of Finance (Pension) Department of Government of Madras, a true copy of which was communicated to her in Memo.No.B3/8186/43, dated 9-6-1943 of the Mangalore Municipal Commissioner. A true copy of the same for your kind information is enclosed herewith duly signed by me. The original copy received by Mrs.Hophsiba Sumitra, late Headmistress, Municipal Muhammadan Hr. Ele. Girls' School, Mangalore now residing as Government Pension Holder at Kankanady, Mangalore 2 will be produced for your kind perusal and return. She too did not apply for admission to thebenefits of the provident fund scheme of the Mangalore Municipality, which fact may kindly be ascertained from your office records. The second teacher in the line to get retired on pension was myself and although more than six months have passed for my retirement from Municipal Service, my pension remains unsanctioned so far. The third and the only remaining teacher to get retired on pension is my younger sister Mrs. Zainab Bi, still working as a teacher at Municipal Muslim Girls' School, Car Street,

In the light of facts mentioned above I earnestly hope that the particulars furnished are quite in order.

A true copy of B3/8186/43, dated 9-6-1943 of your office is enclosed herewith.

In conclusion I earnestly hope that the possible will be done early to expedite early sanction of my pension and meanwhile thanking you in anticipation.

Pension - Superannuation - Mrs.Hephsiba Sumithra, late Headmistress, Municipal Muhammadan Hr. Ele. School for Girls, Mangalore - Sanctioned.

Finance (Pension) Department.
G.O.Ms.No.450-dated 2nd June 43.

Read the following papers:-

From the Director of Public Instruction Rc.No.1396-B/43, dt. 28th April, 1943.
From the Accountant General, No.H.18/43/719, dated the 20th May 1943.

ORDER:-

Under articles 458(b) and 804 of the Civil Service Regulations, his excellency the Governor of Madras is pleased to sanction the grant with effect from 1st July, 1942 of a superannuation pension of Rs.22-8-0 Twenty two and annas eight ~~eight~~ only per mensem to Mrs.Hephsiba Sumitra who retired as Headmistress, Municipal Muhammadan Hr. Ele. Girls' School, Mangalore in consideration of her qualifying superior service of over 27 years.

2. The pension is payable at Mangalore and will be debited to "55-superannuation allowance and pension superannuation and retired allowance - voted - provincial.

(By Order of his excellency the Governor.

The originals of G.O (Ms) 864 Law (Edn) dy 14.5.26 and G.O. 450 Fin dy 2.6.43 ref. to on p1 and 7 ante reply are required for disposal of this current They have been called for for the H.R.O. Their receipt is awaited. ~~dt 25.11.55~~ In the meantime, the D. Pleader may be asked to send the S.B. of Smt. Azeezbi.

T.M. No. 110136 S./55-1 Edn. 22.11.11

From

The Asst Secy

To

The D.P.I.

Madras

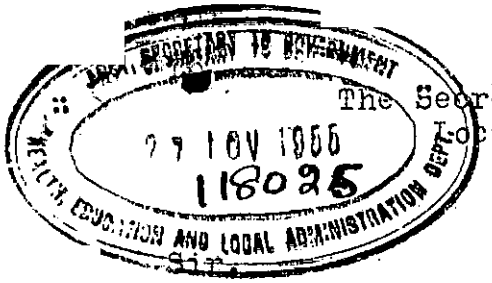
Sub Pension - Smt Azeeza bi, Retd teacher, Mangalore Mlty

Ref your letter No. 1403 C.5/55+A 1.11

Please forward the service of Smt. Azeeza bi

EDUCATION DEPARTMENT

From



The Secretary to Government, Health, Education and Local Administration Department, Madras.

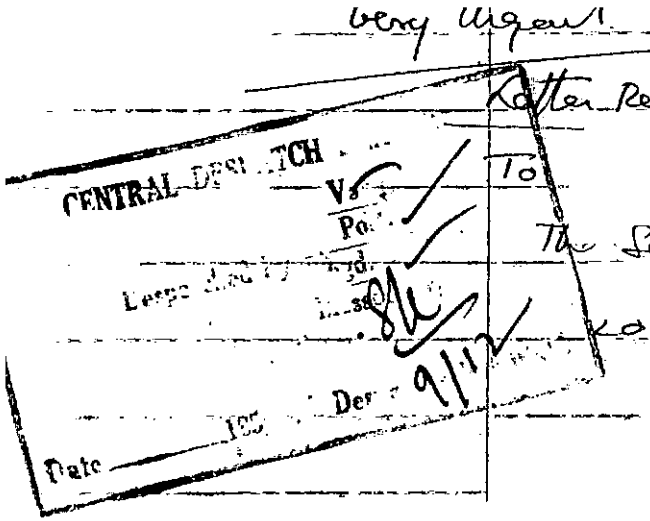
Rc.1403.C5/54 dated 24.11.1955.

Sir,

Sub: PENSION - Srimathi Azeezbi, Retired Teacher, Mangalore Municipality.

Ref: Government's T.M.No.110136.E1/55 dated

I submit herewith the Service book and Pension papers of Srimathi Azeezbi. retired teacher, Mangalore Municipality.



Very Urgent

Letter Ref: 110136/E/55-2 Sdt 27.12.55

The Secretary to the Govt of Andhra

Education and Endowments Dep

Sub Pension Smt Kulsum Bibi, Retd

teacher, Vishakapatnam Municipality

Original of G.O.(Ms) 1922 Sdt 19.8.55

Requisition for

Subject mentioned above may kindly be sent furnished to this Govt as it is required for disposing of the pension papers of a retired teacher of Mangalore

nly The Govt be returned when it is no longer require

EDUCATION AND ENDOWMENTS DEPARTMENT
LETTER REF:NO.68009--A/55 Education.

ASSISTANT SECRETARY TO GOVT.
09 DEC 1955
HEALTH, EDN. & LOCAL ADMN. DEPT.

From

Sri S.A.Iyengar,I.C.S.,
Secretary to Government.

To

The Secretary to Government of Madras,
Health, Education and Local Administration Department.
M A D R A S.

3478

KURNOOL,Dated the 14th December,1955.

Sir,

Sub: Pension--Srimathi Kulsum Bibi, Retired teacher, Visakapatnam Municipality--Original of G.O.Ms.1922 Edn.dated 19-8-52..Enclosed.

Ref: Your letter Ref.No.110136 E1/55--2 Education dated 7-12-55.

With reference to your Letter cited above, I am to enclose herewith the Original of G.O.Ms.No.1922, Education dated 19-8-52 on the subject mentioned above. I am to request you to acknowledge

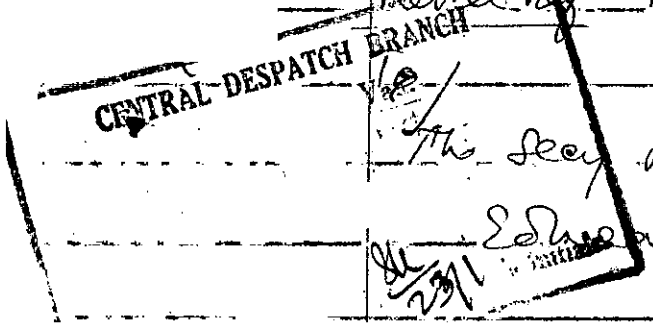
the receipt of the Government Order and return it when it is no longer required.

Yours faithfully,

J. Ramachandra Rao

16-12

For Secretary to Governme



Letter No: 110136-21/55-Edn-A, 19.1.56.

To The Secy to the Govt of Andhra
Education and Endowments Dept
Kurnool

Sub: Pension - Smt Kulsum Bi
Retd teacher, Vishakapat
Rcd on 23/1/17
Edn A 19.8.52. Acked
Your letter no. 68009-A/55-1 dt 14.12.

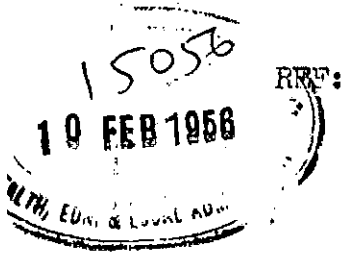
FROM

The Director of Public Instruction, Madras.

The Secretary to Government, Health, Education and Local Administration Department, Madras.

Sir,

Sub: PENSION - Srimathi Azeezbi, Retired Teacher, Mangalore Municipality.



Ref: My letter Rc. 1403. C5/54 dated 1.11.1955.

Government's T.M. No. 110136. E1/55-1 Edn., Dated 23.11.1955.

I request the favour of early orders on my letter cited.

Read: From the W.P. Lett. Re.

1403-C5/54 dt. 1.11.55

Order (Ms) No. 302 Edn. 23/2/56

Under the rule published with the Pub. (Ser.) Dept. Notfn. No. 16, dt. the 26th Jan 1950, at page 272 of Part I of the Fort St. George Gazette, dt. the 7th Feb 1950, the Governor of Madras hereby directs that the provisions of Article 804 of the C.S.R. be relaxed in favour of Smt. Azeezbi, Retired teacher, Musilim Girls School, Mangalore so as to make her eligible for pension

Their Ref: 110186 E/55-1 dt 21/1/56

The Secy to the Govt of Andhra
Education and Endowments Dept
Kurnool (with the G.O. (G) cir dgl)

Sub: Pension - Smt. Zulekha Bibi, Retd
teacher, Vishakapatnam Mly-Dept
of G.O. (Ms) no. 1922 dt of 19.8.52 -
Returned

Ref: Your letter Ref: no. 68009 A/555 dt 17.12
dt 14.12.55

I am to return herewith the
original of G.O. (Ms) no. 1922 dt (G)
19.8.52 sent with your
letter cited and to request
that its receipt may kindly
be acknowledged

16.2.56

14/2/56

22.2.56

DEPUTY SECRETARY
35526
2 APR 1956
HEALTH EDN. & LOCAL

GOVERNMENT OF ANDHRA
सत्यमेव जयते

Education and Endowments Department
Letter.No.17799-A/56-1,Education.

From

Sri S.A.Iyengar, I.C.S.,
Secretary to Governmen

To

The Secretary to the Go
Health,Education & Local Administration Department,
Fort St. George, Madras.9.

Dated, Kurnool, the 27th March 1956.

Sir,

SUB: PENSION - Srimathi Kulsumbibi Retired teacher - Visakhapatnam Municipality - Original of G.O.Ms.No.1922,Education,dated 19-8-52 - Acknowledged.

REF: Your lr.No.110136E1/55-4,Edn,dated 22-2-56.

I am to acknowledge the receipt of the G.O.Ms. No.1922,Education,dated 19-8-52 sent with your letter cited.

Yours faithfully,

for SECRETARY TO GOVERNMENT.

HSMA (E1)

No further action in this file

May be put away as 9.0 (Ten) 3

Sd/- 23.7.91

Smt. Azeezbi entered Govt service as teacher in the Govt Muslim Girls Elo School Mangalore on 13.9.1915. The school was transferred to the management of the Mangalore Mlty on 1.6.1926 ~~and with~~ it Smt Azeezbi who was on the staff of the school was also transferred to service under the Mlty and she continued under the service ~~until her date of retirement~~ till the date of her superannuation, 11-9-54.

2/ Smt Azeezbi was not confirmed while in Govt service. The Mlty ~~failed~~ to admit her to the benefits of Contributory Provident Fund. As she was not confirmed in Govt service, she is not eligible for pension from general revenues. She does not get provident fund benefits either from the Mlty. As she is thus left without any source to maintain herself after a long service of nearly 39 years, the D.P.I. recommends that she may be granted pension, as a spl case, relaxing the provisions of Article 804 CSRs, on the basis of the precedent in G.O. 1922-Edn., dt. 19-8-52.

3/ This Dept may accept the Director's

Finance (Pen)

Please see the letter from the D.P.I. on pp.1-3 C.F. and the note of H.E.L.A. on p.1 above.

Article 804 of the C.S.R. lays down that teachers and other members of the pensionable estt. of a Govt. school, who are transferred with the school to which they belong for service under a Local Board or Municipal Council continue to render service qualifying for pension payable by the Local Govt. irrespective of the institution in which they are employed on similar duty, provided such institution is under the control of the same Local Board or Municipal Council. No pension contribution is recoverable from the concerned Local Board or Municipal Council in respect of persons coming under the scope of this Article. In the present case, the teacher was not confirmed in Govt service before the school was transferred to the Municipality. If she had been confirmed, she would have been eligible for pension from Govt. for her entire service including the service rendered by her under the Municipality.

In view of the fact that she did not get Provident Fund benefits from the Municipality, she will be left without any provision for her maintenance after rendering a service of nearly 39 years. As this is a real hardship, Fin. need not object to the recommendation of the D.P.I. mentioned at M on p.1 above being accepted. ~~As this will involve relaxation of the provisions of Art 804 of the C.S.R., G.S.R. and C.K. may see~~